

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 374

BY BUSINESS COMMITTEE

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1212, IDAHO CODE, TO PROVIDE THAT ONLY CERTAIN PERSONS MAY QUALIFY FOR ASSIGNMENT TO EXAMINATIONS FOR INITIAL CERTIFICATION AND LICENSURE AND TO PROVIDE EXCEPTIONS, TO PROVIDE CONDITIONS UNDER WHICH THE BOARD MAY POSTPONE ACTING ON AN APPLICATION FOR ASSIGNMENT TO ANY EXAMINATION, TO PROVIDE CONDITIONS UNDER WHICH THE BOARD MAY POSTPONE THE RELEASE OF SCORES TO APPLICANTS AND TO GRANT THE BOARD AUTHORITY TO INVESTIGATE AND ADJUDICATE THE VALIDITY OF EXAMINATION IRREGULARITIES AND TO INVALIDATE THE SCORE OF AN APPLICANT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 54-1213, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT APPLICATIONS FOR LICENSURE AND CERTIFICATION BE MADE UNDER OATH; AND AMENDING SECTION 54-1219, IDAHO CODE, TO GRANT THE BOARD AUTHORITY TO POSTPONE ACTING ON AN APPLICATION FOR A LICENSE BY COMITY UNDER CERTAIN CIRCUMSTANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1212, Idaho Code, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, be issued to an applicant having habits or character that would justify revocation or suspension of his license or certificate, as provided in section 54-1220, Idaho Code. Except for military personnel stationed in the state of Idaho on military orders and except for persons employed full-time in the state of Idaho, only residents of the state of Idaho and students enrolled at an Idaho university or college may qualify for assignment to examinations for initial certification or licensure. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering program of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or

1 (b) Graduation with a bachelor's degree in a related science from a
2 school or college approved by the board, and evidence satisfactory to
3 the board that the applicant possesses knowledge and skill approxi-
4 mating that attained through graduation from an approved four (4) year
5 engineering program, passage of an examination on the fundamentals
6 of engineering acceptable to the board, and a specific record, after
7 graduation, of four (4) years or more of progressive experience in en-
8 gineering work of a grade and character satisfactory to the board and
9 indicating that the applicant is competent to practice professional
10 engineering.

11 (2) As a professional land surveyor:

12 (a) Graduation from an approved surveying program of four (4) years or
13 more in a school or college approved by the board as being of satisfac-
14 tory standing, passage of an examination on the fundamentals of survey-
15 ing acceptable to the board, and a specific record of an additional four
16 (4) years or more of progressive combined office and field experience in
17 land surveying work of a grade and character satisfactory to the board
18 and indicating that the applicant is competent to practice professional
19 land surveying; or

20 (b) Graduation with a bachelor's degree in a related science from
21 a school or college approved by the board as being of satisfactory
22 standing, and evidence satisfactory to the board that the applicant
23 possesses knowledge and skill approximating that attained through
24 graduation from an approved four (4) year surveying program, passage
25 of an examination on the fundamentals of surveying acceptable to the
26 board, and a specific record of an additional four (4) years or more of
27 progressive combined office and field experience in land surveying work
28 of a grade and character satisfactory to the board and indicating that
29 the applicant is competent to practice land surveying.

30 (3) As an engineer intern:

31 (a) Graduation from or in the last two (2) semesters of an approved
32 engineering program of four (4) years or more in a school or college
33 approved by the board as being of satisfactory standing and indicating
34 that the applicant is competent to enroll as an engineer intern; or

35 (b) Graduation with a bachelor's degree in a related science from a
36 school or college approved by the board, and evidence satisfactory to
37 the board that the applicant possesses knowledge and skill approxi-
38 mating that attained through graduation from an approved four (4) year
39 engineering program, and indicating that the applicant is competent to
40 be enrolled as an engineer intern.

41 (c) In the event the applicant qualifies for assignment to the examina-
42 tion during the last two (2) semesters of college under the provisions
43 of section 54-1212(3) (a), Idaho Code, and a passing grade is attained, a
44 certificate will be issued only after the applicant graduates.

45 (4) As a land surveyor intern:

46 (a) Graduation from, or in the last two (2) semesters of, an approved
47 surveying program of four (4) years or more in a school or college ap-
48 proved by the board as being of satisfactory standing and indicating
49 that the applicant is competent to be enrolled as a land surveyor in-
50 tern; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program, and indicating that the applicant is competent to be enrolled as a land surveyor intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of subsection (4) (a) of this section, and attains a passing grade, a certificate shall be issued only after the applicant graduates.

In counting years of experience for assignment to the professional engineer or professional land surveyor examination, the board may, at its discretion, give credit, not in excess of one (1) year, for satisfactory graduate study toward a master's degree and not in excess of an additional one (1) year for satisfactory graduate study toward a doctorate degree. In the event an applicant obtains a doctorate degree without first obtaining a master's degree, the board may, at its discretion, give credit, not in excess of two (2) years.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this chapter to entitle him to assignment to an examination for licensure or certification shall be eligible for such assignment although he may not be practicing his profession at the time of making his application.

The board may postpone acting on an application for assignment to any examination if disciplinary or criminal action related to the applicant's practice has been taken or is pending in any other jurisdiction. The board may postpone the release of scores to applicants on any examination if there is any unresolved examination irregularity involving the applicant. The board may investigate and adjudicate the validity of examination irregularities and if the examination irregularities are substantiated, the board may invalidate the score of the applicant.

SECTION 2. That Section 54-1213, Idaho Code, be, and the same is hereby amended to read as follows:

54-1213. APPLICATIONS AND FEES. Applications for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be on forms prescribed and furnished by the board. The application ~~shall be made under oath, and shall show~~

1 the applicant's education and a detailed summary of his engineering or land
 2 surveying experience. An applicant for licensure as a professional engineer
 3 or professional land surveyor shall furnish not less than five (5) refer-
 4 ences, of whom three (3) or more should be professional engineers or profes-
 5 sional land surveyors, as applicable, having personal knowledge of the ap-
 6 plicant's engineering or land surveying experience. Applications for cer-
 7 tificates of authorization shall be made in accordance with section 54-1235,
 8 Idaho Code.

9 The maximum application fee for professional engineers or professional
 10 land surveyors seeking to be licensed by examination shall not exceed one
 11 hundred dollars (\$100). The application fee shall accompany the applica-
 12 tion. The examination fee, which shall be separate from the application
 13 fee, shall be paid by the applicant directly to the entity designated by the
 14 board.

15 The maximum application fee for an applicant who seeks a certificate as
 16 an engineer intern or land surveyor intern shall not exceed fifty dollars
 17 (\$50.00). The application fee shall accompany the application. The exam-
 18 ination fee, which shall be separate from the application fee, shall be paid
 19 by the applicant directly to the entity designated by the board.

20 The maximum application fee for business entities seeking a certificate
 21 of authorization shall be two hundred dollars (\$200). The application fee
 22 shall accompany the application.

23 The amount of the license fee or certificate fee shall be fixed by the
 24 board prior to June 30 of any year and shall continue in force until changed.

25 Should the board deny the issuance of a certificate or license to any ap-
 26 plicant, the application fee paid shall be retained as a processing fee.

27 SECTION 3. That Section 54-1219, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 54-1219. COMITY LICENSURE -- FEE. The board, upon application there-
 30 for and the payment of a fee of not to exceed a maximum of one hundred fifty
 31 dollars (\$150), may issue a license as a professional engineer or profes-
 32 sional land surveyor to any person who holds a license issued to the appli-
 33 cant by the proper authority of any state, territory or possession of the
 34 United States, the District of Columbia, or of a foreign country, provided
 35 that, in the opinion of the board, the applicant possesses the education,
 36 experience and examination credentials, or their equivalents, that were
 37 specified in the applicable licensing chapter in effect in this state at the
 38 time such license was issued, provided that a professional land surveyor ap-
 39 plicant must successfully pass a land surveying examination as prepared and
 40 administered by the board, and provided such state, territory, possession or
 41 country will license, without examination and upon substantially the same
 42 condition, to applicants holding licenses issued by the board under this
 43 chapter. In the event the applicant has been licensed and has practiced as a
 44 professional engineer or professional land surveyor in another jurisdiction
 45 for a minimum of eight (8) years, has no outstanding disciplinary action,
 46 and is in good standing under a licensing system which, in the opinion of
 47 the board, maintains substantially equivalent professional standards as
 48 required under this chapter, the board may, in its discretion, waive the
 49 requirement for satisfaction of prescriptive credentials in education and

1 examination. The board may postpone acting on an application for a license
2 by comity if disciplinary or criminal action related to the applicant's
3 practice has been taken or is pending in any other jurisdiction.